

REMARKS

The non-final Office Action was issued on pending claims 22-42. Claims 22-30, 33-37, 39, 40 and 42 stand rejected and claims 31, 32, 38 and 41 were objected to. In this Response, claims 22 and 34 have been amended and no claims have been added or cancelled. Thus, claims 22-42 are pending in the application.

Applicants invite the Examiner to call Applicants' Representative to discuss any issues with this application.

Allowable Claims

At page 6 of the Office Action, claims 31, 32, 38 and 41 were objected to as being dependent upon a rejected base claim, but noted as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the notice of allowable claims.

Claim Rejections – 35 USC §112

At page 2 of the Office Action, claim 34 was rejected under 35 U.S.C. §112, second paragraph, as having insufficient antecedent basis. Specifically, claim 34 was objected to as depending from claim 8 which has been cancelled. Claim 34 has been amended to depend from claim 29. Thus, Applicants respectfully submit that the § 112 rejection has been overcome.

Claim Rejections – 35 USC §103

At pages 2-6 of the Office Action, claims 22-30, 33-37, 39, 40 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawan (US 6,442,532) in view of Terranova (US 6,098,879). Applicants respectfully disagree.

Applicants' invention, as claimed in claim 22, pertains to a method for paying for goods and services using both a mobile radio device 3 and a base telecommunication station 1 which communicates with the mobile radio device 3 via electromagnetic waves. The method includes the steps of transmitting data required for payment from the base telecommunication station 1 to the mobile radio device 3; asking a user at the mobile radio device 3, for confirmation for the payment; initiating a payment option, via the mobile radio device 3, by transmitting payment instruction data upon the confirmation for the payment to a telecommunication device 6 of one of a financial institution and a bill issuer; and transmitting acknowledgement data for the payment operation to the base telecommunication station 1 via at least one of the mobile radio device 3 and the telecommunication device 6 of one of a financial institution and a bill issuer.

The reference numbers inserted into the claim text are merely for reference purposes and are not intended to limit the claims.

Claim 22 has been amended to clarify the claim. Amended claim 22 now recites "initiating a payment operation, via the mobile radio device, by transmitting payment instruction data upon the confirmation for the payment to a telecommunication device of one of a financial institution and a bill issuer." Referring to the example of Applicants' invention shown in Fig. 1, data required for payment is transmitted from the base telecommunication station 1 to the mobile radio device 3. A user at the mobile radio device 3 is asked for confirmation of the payment. A payment operation is initiated via the mobile radio device 3. After confirmation of the payment by the user, payment instruction data is transmitted to a telecommunication device 6 of a financial institution or a bill issuer. Acknowledgement data for the payment operation is transmitted from the telecommunication device 6 of the financial institution or bill issuer to the mobile radio device 3 and then to the base telecommunication station 1. Fig. 2 shows one alternative example of the method for paying for goods and services according to claim 22.

Applicants submit that the amendment to claim 22 merely clarifies the claim and does not further limit the claim. The amendment to claim 22 merely clarifies that the payment instruction data is transmitted to the telecommunication device of one of a financial institution and a bill issuer. The amendment to claim 22 is a clarifying amendment because the amendment provides

a clear antecedent basis for the telecommunication device of one of a financial institution and a bill issuer in the last paragraph of claim 22.

Kawan pertains to a wireless transaction and information system. The Kawan wireless transaction and information system utilizes smart card readers which wirelessly communicate with a financial institution. Fig. 2C of Kawan shows a cellular telephone 75 having a smart card reader portion 84. The smartcard reader portion 84 provides the cellular telephone 75 with the capability to perform financial transactions using a keypad 80 as an interface. See Kawan, column 4, lines 7-17. Fig. 3A of Kawan shows a first wireless terminal 100 having a smart card reader 108. The wireless terminal 100 having the smart card reader 108 wirelessly communicates with a financial institution so that data may be read from and written to a smart card inserted into the smart card reader 108. See Kawan, column 4, line 46-column 5, line 65.

The Kawan system and method essentially provides wireless communications between two devices: (1) the smart card reader, and (2) the financial institution/network. The Kawan method and system is essentially bi-directional. Conversely, Applicants' claimed method provides communication between three devices: (1) a base telecommunication station, (2) a mobile radio device, and (3) a telecommunication device of a financial institution/bill issuer. Accordingly, nowhere does Kawan disclose or suggest the steps as claimed in Applicants' claim 22.

Furthermore, the Office Action asserts that Kawan describes asking a user, at a mobile radio device, for confirmation of the payment at column 8, lines 28-30. However, Kawan describes at column 8, lines 21-33 a user accepting a transaction at the smart card terminal which is the same smart card terminal that the merchant entered the transaction. Kawan does not disclose or suggest Applicants' method of the data being transmitted from the telecommunication station to the mobile radio device and asking the user at the mobile radio device for payment confirmation.

Terranova pertains to a fuel dispensing system providing customer preferences. The Terranova fuel dispensing system has bi-directional communication similar to the bi-directional communication of Kawan. Terranova does not disclose or suggest Applicants' claimed payment

method having communication between the base communication station (merchant), the mobile radio device (purchaser), and the telecommunication device (financial institution).

As to independent claim 37, Applicants respectfully submit that claim 37 is also not disclosed or suggested by Kawan and Terranova.

Thus, Applicants respectfully submit that the § 103(a) rejection has been overcome.

CONCLUSION

For the foregoing reasons, Applicants submit that the patent application is in condition for allowance and request a Notice of Allowance be issued.

Respectfully submitted,

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